

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Writ Petition No.1186 of 2006

The Veeraseva Urban Co-operative Bank Ltd.	Petitioner
Vs.	
Najma Khan & ors.	Respondents

Mr.N.N.Bhadrashete for petitioner.

Mr.V. C. Ghosalkar and Mr.S.S.Desai for Resp.Nos.1
and 2.

CORAM: B.H.MARLAPALLE,J.

July 25, 2006.

P.C.

. Heard the learned counsel for both the parties. There is no dispute that the order passed by the Co-operative Court No.1 at Mumbai in Dispute No.123 of 1999 on 12th August 2005 could not have been challenged by filing an appeal from order and under Section 149(9) of the Maharashtra Co-operative Societies Act, 1960 a revision application would lie against the said order. Thus A.O. No.100 of 2005 was not maintainable before the Maharashtra State Co-operative Appellate Court at Mumbai and the appropriate remedy for the appellant therein is to file a revision application.

. The learned counsel for the respondents,

therefore, seeks liberty to approach the lower appellate Court and file a revision application.

. The impugned order is hereby quashed and set aside for the sole reason that A.O. No.100 of 2005 was not maintainable and the present respondents are granted liberty to approach the lower appellate Court with a revision application under Section 149(9) of the Maharashtra Co-operative Societies Act, 1960. If such a revision application is filed within a period of two weeks from today, it is directed that the same shall be considered on its own merits and will be heard and decided preferably within a period of three months from its presentation.

. The petition is disposed off in terms of the above directions.

(B.H.MARLAPALLE,J.)